REMARKS

Claims 1, 2, 9, 10, 14, 15 and 24-29 have been amended. Claims 20-23 and 30-33 have been canceled. Claims 1-19 and 24-29 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 121 Restriction:

In response to the Examiner's restriction requirement under 35 U.S.C. § 121, Applicant confirms election without traverse of the invention corresponding to Group I claims 1-19 and 24-29.

Section 101 Rejection:

The Office Action rejected claims 24-29 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, claims 24-29 have been amended. Withdrawal of the § 101 rejection is respectfully requested.

Section 112, Second Paragraph, Rejection:

The Office Action rejected claims 1, 9 and 14 under 35 U.S.C. § 112, second paragraph, for lacking antecedent basis for "the persistence manager." However, claims 1, 9 and 14 each recite "a Java Data Object (JDO) persistence manager." Since the JDO persistence manager is the only persistence manager recited in the claims, the later reference to "the persistence manager" can only refer to the JDO persistence manager. Therefore, the recitation of "a Java Data Object (JDO) persistence manager" provides proper antecedent basis for "the persistence manager" in each of claims 1, 9 and 14. Nevertheless, the claims have been amended to refer to "the JDO persistence manager." Accordingly, withdrawal of the § 112, second paragraph, rejection is respectfully requested.

Section 103(a) Rejection:

The Office Action rejected claims 1-19 and 24-29 under 35 U.S.C. § 103(a) as being unpatentable over Jacobs et al. (U.S. Patent 6,385,643) (hereinafter "Jacobs") in view of Chkodrov et al. (U.S. Patent 7,107,340) (hereinafter "Chkodrov"). Applicant respectfully traverses these rejections for at least the following reasons.

Regarding claim 1, Jacobs in combination with Chkodrov neither teaches nor suggests **a server cluster, comprising: a plurality of server nodes, wherein each server node comprises: a server container; one or more applications configured to execute within the server container; and a Java Data Object (JDO) persistence manager configured to detect changes to application state data within the server container and to persist the application state data**. In regards to these limitations, the Examiner cites Jacobs, col. 7, lines 31-39; column 8, lines 55-64; and col. 16, lines 52-58. However, none of the portions of Jacobs teaches a Java Data Object (JDO) persistence manager configured to detect changes to application state data within the server container and to persist the application state data. Col. 7, lines 31-39, and column 8, lines 55-64, of Jacobs mention the use of Java and Java beans, but describe absolutely nothing about a persistence manager configured to detect changes to application state data within the server container and to persist the application state data. The cited text of Jacobs at column 16 discusses stateful session beans, which represent a single client or caller, and maintain internal state between calls only for the duration of the client-bean session on a single server. Stateful session beans are not persistent, as described in the Sun J2EE Tutorial (http://java.sun.com/j2ee/tutorial/1_3-fcs/doc/EJBConcepts3.html) (emphasis added):

> A session bean is not shared--it may have just one client, in the same way that an interactive session may have just one user. Like an interactive session, **a session bean is not persistent**. (That is, its data is not saved to a database.) When the client terminates, its session bean appears to terminate and is no longer associated with the client.

There is absolutely no mention whatsoever in Jacobs or Chkodrov, whether considered alone or in combination, of a Java Data Object (JDO) persistence manager configured to <u>detect changes</u> to application state data within the server container and to <u>persist</u> the application state data. The portions of Jacobs cited by the Examiner have nothing to do with the persistence of application state data, let alone to detecting changes to application state data within the server container. **<u>By definition</u>**, the stateful session beans described in Jacobs do not include persistence, let alone a persistence manager as specifically recited in Applicant's claim 1.

Further in regard to claim 1, Jacobs in combination with Chkodrov neither teaches nor suggests **a persistent data store coupled to the cluster, configured to store application state data of the one or more applications of each respective server container, and configured to make the application state data accessible to each of the plurality of server nodes; wherein <u>in response to detecting a change in application state data within the server container</u>, the persistence manager is configured to <u>persist only a changed portion</u> of the application state data within the respective server container to the persistent data store**. Examiner admits that "Jacobs does not explicitly teach wherein in response to a change in application state data, the persistence manager is configured to persist only changed application state data to the persistent data store," but cites Chkodrov to remedy this deficiency. The cited lines 45-47 at column 1 of Chkodrov outline prior art related to "collecting and storing event data from distributed transactional applications (Abstract)." The cited portion of Chkodrov at column 6, lines 7-9, describes the storing and modifying of state data corresponding to an instance of a process, such as "Jim Smith's credit report." There is no mention of a persistence manager configured <u>to persist only a changed portion of the application state data within the respective server container</u> to the persistent data store. Chkodrov at col. 6, lines 3-9 refers to obtaining state data from a database, modifying the state data and transmitted the modified state data back to the database. Chkodrov does <u>not</u> describe that <u>only</u> a changed <u>portion</u> of the modified state data is transmitted back to the database. Furthermore, the operation described in Chkodrov is not performed by <u>in response to detecting a change in application state data within the server container</u>. Neither Jacobs

nor Chkodrov, whether considered alone or in combination, teach or suggest that in response to detecting a change in application state data within the server container, the persistence manager is configured to persist only a changed portion of the application state data within the respective server container to the persistent data store.

Furthermore, the Examiner has not stated a valid reason to combine the teachings of the references. The Examiner states that one of ordinary skill in the art would have been motivated to do so because one of ordinary skill in the art would agree such operation saves processing time and memory by persisting only required data and not redundant data. **There is absolutely no support whatsoever for the Examiner's statement in the evidence of record.** The notion of avoidance of redundancy is absent from both Jacobs and Chkodrov. Nor has the Examiner cited any other evidence to support his motivation to combine the references.

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 9, 14, and 24.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-54100/RCK.

Respectfully submitted,

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